

**HIGH COURT OF ORISSA: CUTTACK.**

**F.A.O. Nos.194 of 2016 & 58 of 2017**

From the judgment dated 11.01.2016 passed by Shri S.K. Nanda, Presiding Officer, State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.471 of 2012 and the judgment dated 26.11.2016 passed by Shri S.K. Nanda, Presiding Officer, State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case No.469 of 2012.

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**State of Odisha and Another (In both the appeals) ..... Appellants**

**- Versus-**

**Sri Lokanath Behera and Another (In F.A.O. No.194 of 2016)**

**Jayanta Kumar Mohanty and Another (In F.A.O. No.58 of 2017)**

**..... Respondents**

For Appellants : Mr. Bikram Senapati,  
Additional Government Advocate.  
(In both the appeals)

For Respondents : M/s. Dillip Kumar Mohapatra, A. Sahoo & N. Nayak.  
(For respondent no.1 in both the appeals)

Mr. Sangram Jena.  
(For respondent no.2 in F.A.O. No.194 of 2016)

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**PRESENT:**

***THE HONOURABLE SHRI JUSTICE SUJIT NARAYAN PRASAD***

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Date of hearing : 27.08.2018

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Date of judgment : 11.09.2018  
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**S. N. Prasad, J.** Mr. D.K. Mohapatra, learned counsel appearing for respondent no.1 (in both the appeals) has submitted that both the appeals may be taken up together. He has further insisted upon the Court that F.A.O. No.194 of 2016 may be heard first, since pleadings are complete.

Mr. B. Senapati, learned Additional Government Advocate appearing for the State-appellants (in both the appeals) has fairly submitted that since the issues raised in both the appeals are similar, same may be heard together.

In view of such submissions, this Court, after going across the judgments passed by the Tribunal and the grounds taken in both appeals, has found that the issues raised in both the appeals are similar and as such, heard both the appeals together and accordingly are being disposed of by this common judgment.

2. Both the appeals have been filed by the State of Odisha, represented through the Commissioner-cum-Secretary to Government, Department of Higher Education, Bhubaneswar under the provision of Section 24-C of the Orissa Education Act, 1969 assailing the judgments dated 11.01.2016 and 26.11.2016 passed by the Presiding Officer, State Education Tribunal, Odisha, Bhubaneswar in G.I.A. Case Nos.471 of 2012 and 469 of 2012 respectively whereby and whereunder the Tribunal, while allowing the applications filed by the respondent no.1 (in both the appeals), has extended the benefit of grant-in-aid by virtue of the Grant-in-Aid Order, 1994.

3. The grounds for assailing the aforesaid judgments as has been taken in the instant appeals are :-

- (i) That the G.I.A. applications preferred before the Tribunal is not maintainable, since it is in violation of the provision of sub-section(3) of Section 24-B of the Orissa Education Act, 1969 which is a condition precedent for maintainability of grant-in-aid as before the Tribunal.